

Exhibit

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Dietrich Pahl April 28, 2005

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS

3 BRAUN GmbH,

)

)

4 Plaintiff,

)

)

5 -vs-

)

No. 03-CV-12428 (WGY)

)

6 RAYOVAC CORPORATION,

)

)

7 Defendant.

)

8
9 Videotaped deposition through interpreter of
10 DIETRICH PAHL, Ph.D taken before CAROL CONNOLLY, CSR,
11 CRR, and Notary Public, pursuant to the Federal Rules of
12 Civil Procedure for the United States District Courts
13 pertaining to the taking of depositions, at Braun GmbH,
14 Frankfurter Strasse 145, D-61476 Kronberg im Taunus,
15 Germany, at 9:53 a.m. on the 28th day of April, A.D.,
16 2005.

1 works, to present it to the people in Braun. And when I
2 talk people, first thing I have to go to is the business
3 director to get his agreement on the thing.

4 Q Who was the business director of Braun?

5 A Certain name Gilbert Greaves, GG.

6 Q Do you recall when you would have presented it
7 to Gilbert Greaves?

8 A No, I can't tell you.

9 Q Would it have been before or after the
10 presentation?

11 A After.

12 Q Did you tell Mr. Greaves this was something you
13 had been working on in Leon, France?

14 A Sure.

15 Q What did Mr. Greaves say to you about your
16 prototype?

17 A He wasn't too enthusiastic about it to name it
18 politely.

19 Q Did he give you any reasons why he wasn't
20 enthusiastic about it?

21 A Yeah. He said that -- he wouldn't like to hand
22 this to our client, dry shaver users, that there's a
23 problem cleaning the dry shaver. He didn't like to put
24 them by means of that appliance with their nose on the

1 promise of Braun dry shavers.

2 Q Would you say that again? I'm sorry.

3 A If you come into the marketplace with a
4 cleaning device he felt it would emphasize or put
5 emphasis on the fact that Braun has a cleaning problem
6 in dry shavers. He would not stress that point by
7 selling cleaning equipment. You understand this?

8 Q No. I understand.

9 A Quite a marketing argument. Of course the
10 other reason it's too expensive.

11 Q Why did he think it was too expensive?

12 A Well, I estimated the costs at the time, direct
13 costs to some 25 Deutsch marks, whatever is in Euros I
14 don't know, but 12 Euros, something dollars, plus the
15 liquid.

16 And I told him, look, you should sell the
17 appliance for direct cost, not with your normal margin
18 of X percent on top of it. Simply give it to the
19 consumer with your direct cost and make money with the
20 liquid when you sell the liquid as refill. There you
21 can make money.

22 Q You told him -- let me see if I got you. You
23 expressed to him there would have an aftermarket for the
24 cleaning liquid?

1 A That's exactly it.

2 Q At that time did you envision selling the
3 cleaning liquid in a cartridge for the cleaning device?

4 A At that time not. Basically refill bottle.

5 Q You would pour the liquid into the device?

6 A Yes.

7 Q Did Mr. Greaves say anything -- did Mr. Greaves
8 express anything to you about your idea regarding the
9 aftermarket for cleaning liquid?

10 A Yes. I should keep out of his business.

11 Q Did he say basically you're not a business
12 person?

13 A Correct. I'm stupid engineer.

14 Q Did he provide any reasons to you that he was
15 not enthusiastic about the cleaning device aside from
16 what we've discussed?

17 A No, that was it, that.

18 Q Did he tell you to stop working on the cleaning
19 device?

20 A No, he couldn't because I was self --
21 independent there and I could do what I want in Leon.

22 Q Once you -- when you had -- aside from
23 Mr. Greaves, did you present the prototype to any other
24 individuals?